

FEMA REGION V

short notes on planning # 3

MITIGATION PLANS AND TRIBAL BOUNDARIES

The Hazard Mitigation Grant Program (HMGP) rules found at 44 CFR, 201.3 (e) indicate that Indian Tribal Governments have the option of applying directly to FEMA as a grantee for funding or they may apply through the state as a sub-grantee.

For Federal Fiscal Year 2003 (October 1, 2002-September 30, 2003), Tribal Governments that wish to receive Pre-Disaster Mitigation funds for planning must either apply through the states as a sub-grantee for the planning funds, or they may apply as a grantee for the competitive funds. Guidance beyond 2003 has not been released.

The Rules and guidance may seem to make the decision whether to act as a grantee or a sub-grantee rather straight-forward, but the decision is not quite that easy.

The tribes can actually participate in HMGP or PDM in one of three ways:

1. They may participate as part of the applicant community (city or county) just as any other special interest group (chamber of commerce, homeowners group, school board, etc) could participate in the process;
2. They may participate as a grantee. In other words, the tribe would participate on the same level as a State; or
3. They may participate as a sub-grantee. In other words, they may participate on the same level as the community.

What is most important is that this is the tribe's determination. It should not be the State's or the community's determination.

Before making a decision on how to participate, the tribal government should consider the location of tribal lands.

- A. If the tribal land is all in one county, the tribe can follow any of the options.
- B. If the tribe wished to act as a sub-grantee and the tribal lands are contiguous, but in more than one county, we recommend that the tribe acts the same way as if they were a community that is in more than one county. The tribe should determine which County that it is most advantageous to work with and complete the plan for all of the tribal area with that County.
- C. If the tribe holds lands that are not contiguous, we recommend that they apply as a grantee. This allows them to include actions in numerous sites that have no connection except through ownership.

A side issue would be Casino sites that are in urban areas. In this scenario, the tribe owns or leases the site with the casino building, hotel and parking on it. The site has no tie-in with any other tribal lands. Since most possible mitigation actions would rely on actions by the municipality in which the land is located, we recommend that this site be dealt with through the communities mitigation plan with the tribe participating.